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Case No.: S0200CV201800708
HON. KARL D ELLEDGE

5
6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

7 **IN AND FOR THE COUNTY OF COCHISE**

8 ELLEN ANTOINETTE CRAVEA-
ALMEIDA, a married woman,

Case No. _____

9 vs.

10 **VERIFIED COMPLAINT**

11 HSBC MORTGAGE SERVICES, INC., a
12 Delaware corporation; HOUSEHOLD
13 FINANCIAL SERVICES, INC., a Delaware
corporation; DECISION ONE MORTGAGE
CO., L.L.C., a Delaware limited liability
company.

14
15 (Assigned to _____)

PARTIES & JURISDICTION

16 1. Plaintiff, Ellen Antoinette Cravea, ("Plaintiff") is a resident of Napa County,
17 California.

18 2. The real property which subject of this action is located in Cochise County,
19 Arizona.

20 3. Defendant HSBC Mortgage Services, Inc. ("HSBC") is a Delaware corporation
21 authorized and doing business in Arizona.

22 4. On information and belief, Household Financial Services, Inc., is a Delaware
23 corporation and is a wholly owned subsidiary of HSBC., which at all relevant times conducted
24 business in Cochise County, Arizona.

5. On information and belief Decision One is a Delaware limited liability company and is a wholly owned subsidiary of HSBC, which at all relevant times conducted business in Cochise County, Arizona.

6. This Court has jurisdiction over the subject matter of this action pursuant to Article VI, § 14 of the Arizona Constitution and A.R.S. §12-123.

7. Venue is proper in this Court pursuant to A.R.S. §12-401.

GENERAL ALLEGATIONS

8. On or about July 11, 2006 Decision One caused a Trustee's Sale to be conducted of Lots 1, 2, 3, and 4 of Calumet Addition, according to Filed Map No. 35, records of Cochise County Arizona (individually "Lot 1, Lot 2, Lot 3 and Lot 4").

9. As a result of the Trustee's Sale, Lots 1-4 were conveyed to Decision One by a Trustee's Deed Upon Sale dated July 14, 2006 recorded as instrument no. 060726768

10. On or about August 2006, Decision One, through Household, its servicing agent, entered into a Residential Resale Real Estate Purchase Contract agreeing to sell Lots 1-4 to Plaintiff.

11. The Sale closed on December 27, 2006, ("Closing") and Plaintiff paid the full purchase price for Lots 1-4. Title to Lots 1-4 was to have been conveyed to Plaintiff.

12. Through clerical error, the Deed to Plaintiff ("Deed") only described Lots 1 and
2. As a result Lots 3 and 4 remain titled in Decision One as a matter of record.

13. Lots 1-4 comprise a single fenced parcel of land containing a single-family residence and supporting outbuildings.

14. At all times from and after the Closing, for a period of more than 10 years, Plaintiff has occupied and exercised complete and continuous dominion and control over Lots 3 and 4 to the exclusion of Decision One and all others.

15. Pursuant to ARS 12-1101, et. seq., Plaintiff is entitled to establishment of plaintiff's fee estate in Lots 3 and 4 and that defendants be barred and forever estopped from having or claiming any right or title to Lots 3 and 4 adverse to Plaintiff.

16. Alternatively, Plaintiff is entitled to reformation of the Deed to include Lots 3 and
4.

17. This action arises from contract and Plaintiff is entitled to its attorney's fees pursuant to ARS 12-341.01.

18. In the event Plaintiff recovers judgment by Default against any party, Plaintiff will have incurred reasonable and necessary attorney's fees in the amount of \$7,000.

WHEREFORE, Plaintiff prays for judgment against Defendants and each of them as follows:

A. That Plaintiff be declared the sole owner of the fee title estate in Lots 3 and 4 of Calumet Addition, according to Filed Map No. 35, records of Cochise County Arizona;

B. That Defendants and each of them be forever barred and estopped from having or claiming any right, title or interest in Lots 3 and 4 of Calumet Addition, according to Filed Map

No. 35, records of Cochise County Arizona;

E. For such other relief as the court deems just.

RESPECTFULLY SUBMITTED this 11 day of December 2018.

HENNELLY & GROSSFELD LLP

By: *R*
Richard Q. Nye

VERIFICATION

Ellen Antoinette Cravea verifies that she has read the foregoing Verified Complaint, and that the allegations contained therein are true and correct to the best of her knowledge, information and belief, and that as to those matters stated upon information and belief, she believes them to be true.

I verify under penalty of perjury that the foregoing is true and corrected. Executed on
December 11, 2018.

Ellen A. Cravea
Ellen Antoinette Cravea